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MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is prepared pursuant to General Assembly resolution 50/53 of 11 December 1995 entitled "Measures to eliminate international terrorism", in which the Assembly requested the Secretary-General to follow up closely the implementation of the Declaration on Measures to Eliminate International Terrorism annexed to its resolution 49/60 of 9 December 1994, and to submit an annual report on the implementation of paragraph 10 of that Declaration, taking into account the modalities set out in his report to the Assembly (A/50/372 and Add.1) at its fiftieth session and the views expressed by States in the debate of the Sixth Committee during that session.

2. In paragraph 10 of the Declaration, the General Assembly requested the Secretary-General to assist in the implementation of the Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:

> "(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;
>
> "(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;
>
> "(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;
>
> "(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism."

3. By notes dated 27 December 1995, the Secretary-General drew the attention of all States to the Declaration and requested them to submit by 30 June 1996 information on its implementation under paragraph 10, subparagraphs (a) and (b), thereof. By letters of the same date addressed to the relevant specialized agencies and other organizations, the Legal Counsel invited them to submit by 30 June 1996 information or other relevant material on the implementation of the Declaration under paragraph 10, subparagraphs (a) and (d), thereof.

4. As at 20 August 1996, information in response to the above communications had been received from the Governments of Armenia, Belarus, Colombia, Ecuador, Iceland, Italy, Japan, Norway, Panama, Turkey and the United Kingdom of Great Britain and Northern Ireland, as well as from the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the United

Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization of American States (OAS) and the South Asian Association for Regional Cooperation (SAARC).

5. Section II of this report provides an analytical review of existing international legal instruments relating to international terrorism, which was prepared in response to paragraph 10 (c) of the Declaration. Sections III and IV contain information about measures taken at the national and international levels and about organizing workshops and training courses, which was based on materials transmitted by Governments and the international organizations mentioned in paragraph 4 above. Section V relates to the question of publishing a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations.

II. ANALYTICAL REVIEW OF EXISTING INTERNATIONAL LEGAL INSTRUMENTS RELATING TO INTERNATIONAL TERRORISM

6. The first major multilateral attempt to adopt an international instrument addressing the problem of international terrorism was the 1937 Convention for the Prevention and Punishment of Terrorism under the auspices of the League of Nations. 1/ This Convention, however, never entered into force. Endeavours to adopt an international instrument on that subject at the United Nations level from a general perspective also proved unsuccessful. 2/

7. On the other hand, the prevention and suppression of specific terrorist acts have been the subject of a number of multilateral legal instruments adopted within the framework of the United Nations and three of its specialized or related agencies - ICAO, IMO and the International Atomic Energy Agency (IAEA).

8. At the regional level, international legal instruments have been adopted under the auspices of OAS, the Council of Europe and the SAARC dealing either with specific terrorist acts or terrorism as such.

9. Currently, there are some 13 global or regional treaties pertaining to the subject of international terrorism (see chart). These instruments cover the following areas or subjects:

A. Offences committed on board aircraft

B. Unlawful seizure of aircraft

C. Acts against safety of civil aviation

D. Internationally protected persons

E. Taking of hostages

F. Protection of nuclear materials

G. Violence against airports

H. Acts against safety of maritime navigation

I. Acts against safety of platforms on the continental shelf

J. Marking of plastic explosives

K. Terrorism (region of Europe)

L. Crimes against persons and related extortions of international significance (Americas)

M. Terrorism (South Asia)

10. In order to give an overall view of the status of participation of States in the various international conventions, the following tables are provided: 3/ table 1: Total participation in international conventions pertaining to international terrorism; and table 2: Status of participation in international conventions pertaining to international terrorism.

11. Since the purpose of this section is to provide information for identifying areas and aspects which are covered by existing international legal instruments relating to international terrorism, which in turn points out areas or aspects currently not covered by those instruments, detailed descriptions of the provisions of the relevant instruments are intentionally omitted. For further information on those international legal instruments, the selected bibliography annexed to the present report may be consulted.

Status of international conventions pertaining to international terrorism

[Each instrument listed below is represented by the letter shown on the left. This letter is featured in the tables that follow to reflect the status of that instrument.]

A. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969, in accordance with article 21, paragraph (1))

B. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971)

C. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973)

D. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (entered into force on 20 February 1977, in accordance with article 17)

E. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983, in accordance with article 18)

F. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 26 October 1979 (entered into force on 8 February 1987, in accordance with article 19, paragraph 1)

G. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989, in accordance with article VI, paragraph 1)

H. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (entered into force on 1 March 1992)

I. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (entered into force on 1 March 1992)

J. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991

K. European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977 (entered into force on 4 August 1978)

L. Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are Internationally Significant, concluded at Washington, D.C., on 2 February 1971 (entered into force on 16 October 1973)

M. SAARC Regional Convention on the Suppression of Terrorism, signed at Kathmandu on 4 November 1987 (entered into force on 22 August 1988)

TABLE 1

Total participation in international conventions pertaining to international terrorism

SIGNATURE												
A	B	C	D	E	F	G	H	I	J	K	L	M
41	77	60	26	39	44	69	41	39	50	29	17	-

RATIFICATION OR ACCESSION												
A	B	C	D	E	F	G	H	I	J	K	L	M
156	156	156	91	77	55	65	33	31	18	25	11	7

TABLE 2

Status of participation in international conventions pertaining to international terrorism

STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Afghanistan		B								J				A	B	C										
Albania																										
Algeria														A	B					G						
Andorra																										
Angola																										
Antigua and Barbuda														A	B	C	D	E	F							
Argentina		B	C			F	G	H	I	J				A	B	C	D	E	F	G	H	I				
Armenia																	D		F							
Australia		B	C	D		F								A	B	C	D	E	F	G	H	I				
Austria		B	C		E	F	G	H			K			A	B	C	D	E	F	G	H	I		K		
Azerbaijan																										
Bahamas								H	I					A	B	C		E		G						
Bahrain														A	B	C				G						
Bangladesh														A	B	C										M
Barbados	A	B	C											A	B	C	D	E			H	I				
Belarus		B	C	D			G	H	I	J				A	B	C	D	E	F	G						
Belgium	A	B	C			F	G	H	I	J	K			A	B	C		E	F					K		
Belize										J																
Benin		B													B											
Bhutan														A	B	C	D	E								M
Bolivia					E					J				A	B	C										
Bosnia and Herzegovina														A	B		D	E								
Botswana			C											A	B	C										
Brazil	A	B	C			F	G	H	I	J				A	B	C			F							
Brunei Darussalam								H	I					A	B	C		E								
Bulgaria		B	C	D		F	G	H	I	J				A	B	C	D	E	F	G						

STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Burkina Faso	A													A	B	C										
Burundi		B	C	D										A			D									
Cambodia		B																								
Cameroon							G							A	B	C	D	E								
Canada	A	B	C	D	E	F	G	H	I	J				A	B	C	D	E	F	G	H	I				
Cape Verde														A	B	C										
Central African Republic														A	B	C				G						
Chad		B	C											A	B	C										
Chile		B			E		G	H	I	J		L		A	B	C	D	E	F	G	H	I				
China							G	H	I					A	B	C	D	E	F		H	I				
Colombia	A	B								J		L		A	B	C	D									
Comoros														A	B	C										
Congo	A		C				G							A		C										
Cook Island																										
Costa Rica		B	C				G	H	I	J		L		A	B	C	D								L	
Côte d'Ivoire							G			J				A	B	C		E								
Croatia														A			D		F							
Cuba																										
Cyprus			C								K			A	B	C	D	E						K		
Czech Republic											K			A	B	C	D	E	F	G			J	K		
Democratic People's Republic of Korea							G							A	B	C	D									
Denmark	A	B	C	D		F	G	H	I	J	K			A	B	C	D	E	F	G	H	I		K		
Djibouti														A	B	C										
Dominica																		E								
Dominican Republic		B	C		E	F						L		A	B	C	D								L	
Ecuador	A	B		D		F		H	I	J		L		A	B	C	D	E	F				J			
Egypt			C		E		G	H	I	J				A	B	C	D	E			H	I	J			
El Salvador		B			E							L		A	B	C	D	E							L	
Equatorial Guinea		B												A	B	C										

STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Eritrea																							J			
Estonia											K			A	B	C	D		F	G						
Ethiopia		B	C				G							A	B	C										
Fiji		B	C											A	B	C				G						
Finland	A	B		D	E	F	G	H		J	K			A	B	C	D	E	F					K		
France	A	B				F	G	H	I	J	K			A	B	C			F	G	H	I		K		
Gabon		B	C		E		G			J				A	B	C	D									
Gambia		B												A	B	C					H					
Georgia														A	B	C										
Germany	A	B	C	D	E	F	G			J	K			A	B	C	D	E	F	G	H	I		K		
Ghana		B					G			J				A	B	C	D	E								
Greece	A	B	C		E	F	G	H	I	J	K			A	B	C	D	E	F	G	H	I	J	K		
Grenada														A	B	C		E								
Guatemala	A	B	C	D	E	F						L		A	B	C	D	E	F	G					L	
Guinea										J				A	B	C										
Guinea-Bissau										J					B	C										
Guyana														A	B	C										
Haiti			C		E	F								A	B	C	D	E								
Holy See	A																									
Honduras					E					J		L		A	B	C		E								
Hungary		B	C	D		F	G	H	I	J	K			A	B	C	D	E	F	G	H	I	J			
Iceland				D			G				K			A	B	C	D	E		G				K		
India		B	C											A	B	C	D	E		G						M
Indonesia	A	B				F	G							A	B	C			F							
Iran (Islamic Republic of)		B												A	B	C	D									
Iraq		B			E			H	I					A	B	C	D			G						
Ireland	A					F	G				K			A	B	C			F	G				K		
Israel	A	B	C		E	F	G	H	I	J				A	B	C	D			G						
Italy	A	B	C	D	E	F	G	H	I		K			A	B	C	D	E	F	G	H	I		K		

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STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Jamaica		B	C		E		G					L		A	B	C	D									
Japan	A	B			E									A	B	C	D	E	F							
Jordan		B	C				G	H	I	J				A	B	C	D	E		G						
Kazakstan														A	B	C	D			G			J			
Kenya														A		C		E		G						
Kiribati																										
Kuwait		B					G			J				A	B	C	D	E		G			J			
Kyrgyzstan																										
Lao People's Democratic Republic		B	C											A	B	C										
Latvia																	D									
Lebanon							G			J				A	B	C				G	H	I				
Lesotho					E									A	B	C		E								
Liberia	A				E		G	H	I						B	C	D				H	I				
Libyan Arab Jamahiriya														A	B	C										
Liechtenstein		B				F					K						D	E	F					K		
Lithuania											K								F							
Luxembourg		B	C		E	F	G				K			A	B	C		E	F					K		
Madagascar	A									J				A	B	C										
Malawi							G							A	B	C	D	E								
Malaysia		B					G							A	B	C										
Maldives														A	B	C	D									M
Mali										J				A	B	C		E		G						
Malta											K			A	B	C				G			J	K		
Marshall Islands							G							A	B	C				G	H	I				
Mauritania														A	B	C										
Mauritius					E		G			J				A	B	C		E		G						
Mexico	A	B	C				G			J		L		A	B	C	D	E	F	G	H	I	J		L	
Micronesia (Federated States of)																										
Monaco														A	B	C				G						

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STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Mongolia		B	C	D		F								A	B	C	D	E	F							
Morocco						F	G	H	I					A	B	C										
Mozambique																										
Myanmar														A												
Namibia																										
Nauru														A	B	C										
Nepal														A	B	C	D	E								M
Netherlands	A	B	C		E	F	G	H	I	J	K			A	B	C	D	E	F	G	H	I		K		
New Zealand		B	C		E		G	H	I					A	B	C	D	E								
Niue																										
Nicaragua			C	D						J		L		A	B	C	D								L	
Niger	A	B	C			F	G							A	B	C	D									
Nigeria	A							H	I					A	B	C										
Norway	A	B		D	E		G	H	I	J	K			A	B	C	D	E	F	G	H	I	J	K		
Oman														A	B	C	D	E		G	H	I				
Pakistan	A	B					G			J				A	B	C	D									M
Palau															B	C				G						
Panama	A	B	C		E	F						L		A	B	C	D	E							L	
Papua New Guinea														A	B	C										
Paraguay		B	C	D		F								A	B	C	D		F							
Peru							G			J		L		A	B	C	D		F	G			J		L	
Philippines	A	B	C		E	F	G	H	I					A	B	C	D	E	F							
Poland		B	C			F	G	H	I		K			A	B	C	D		F		H	I		K		
Portugal	A	B	C		E	F	G				K			A	B	C	D	E	F		H	I		K		
Qatar														A	B	C										
Republic of Korea	A					F	G			J				A	B	C	D	E	F	G						
Republic of Moldova																										
Romania		B	C	D		F	G				K			A	B	C	D	E	F	G	H					
Russian Federation		B	C	D		F	G	H	I	J				A	B	C	D	E	F	G						

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STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Rwanda		B	C	D										A	B	C	D									
Saint Kitts and Nevis																		E								
Saint Lucia														A	B	C				G						
Saint Vincent and the Grenadines							G							A	B	C				G						
Samoa																										
San Marino																										
Sao Tome and Principe																										
Saudi Arabia	A						G	H	I					A	B	C		E		G						
Senegal	A	B	C		E		G			J				A	B	C		E								
Seychelles								H	I					A	B	C	D				H	I				
Sierra Leone		B												A	B	C										
Singapore		B	C											A	B	C										
Slovakia											K			A		C	D	E	F	G			J	K		
Slovenia														A	B	C	D	E	F	G						
Solomon Islands														A		C										
Somalia																										
South Africa		B	C			F								A	B	C										
Spain	A	B	C			F	G	H	I	J	K			A	B	C	D	E	F	G	H	I	J	K		
Sri Lanka							G							A	B	C	D									M
Sudan															B	C	D	E								
Suriname					E									A	B	C		E								
Swaziland																										
Sweden	A	B		D	E	F	G	H	I	J	K			A	B	C	D	E	F	G	H	I		K		
Switzerland	A	B	C		E	F	G	H	I	J	K			A	B	C	D	E	F	G	H	I	J	K		
Syrian Arab Republic														A	B	C	D									
Tajikistan														A	B					G						
Thailand		B												A	B	C				G						
The former Yugoslav Republic of Macedonia														A		C				G						
Togo					E		G			J				A	B	C	D	E		G						

STATES	SIGNATURE													RATIFICATION OR ACCESSION											
	A	B	C	D	E	F	G	H	I	J	K	L	M	A	B	C	D	E	F	G	H	I	J	K	L	M
Tonga															B	C										
Trinidad and Tobago		B	C									L		A	B	C	D	E			H	I				
Tunisia				D										A	B	C	D		F	G						
Turkey		B	C			F	G	H	I	J	K			A	B	C	D	E	F	G			J	K		
Turkmenistan																										
Tuvalu																										
Uganda					E									A	B	C				G						
Ukraine		B	C	D			G	H	I	J				A	B	C	D	E	F		H	I				
United Arab Emirates							G							A	B	C				G			J			
United Kingdom of Great Britain and Northern Ireland	A	B	C	D	E	F	G	H	I	J	K			A	B	C	D	E	F	G	H	I		K		
United Republic of Tanzania														A	B	C										
United States of America	A	B	C	D	E	F	G	H	I	J		L		A	B	C	D	E	F	G	H	I			L	
Uruguay												L		A	B	C	D								L	
Uzbekistan															B	C				G						
Vanuatu														A	B	C										
Venezuela	A	B	C				G					L		A	B	C		E							L	
Viet Nam														A	B	C										
Yemen			C											A	B	C	D									
Yugoslavia	A	B	C	D	E	F	G							A	B	C	D	E	F	G						
Zaire					E		G							A	B	C	D									
Zambia														A	B	C							J			
Zimbabwe														A	B	C										

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A. International legal instruments adopted under the auspices of the United Nations system

12. Terrorist acts whose prevention or suppression is the subject matter of international instruments adopted under the auspices of the United Nations system may be categorized as follows: (1) acts against certain means of transport or specific facilities; (2) acts against specific categories of persons; (3) hostage-taking; and (4) use of certain substances or devices for terrorist purposes.

13. The majority of those instruments focus on the question of individual criminal responsibility of the terrorists and are based on the principle of aut dedere aut judicare. In that respect, the provisions of those conventions are quite similar. States parties are required to make the crimes defined in the relevant instruments punishable under their municipal laws. The State in the territory of which an alleged offender is found has the duty either to extradite that person to one of the States having a connection to the crime or to submit the case to its competent authorities for the purpose of prosecution. States must take all necessary measures to establish, when appropriate, their jurisdiction over the crimes in question. 4/ They must cooperate not only on matters of judicial assistance, but also in the prevention of the relevant crimes.

14. The acts of terrorism which fall within the scope of international legal instruments adopted under the auspices of the United Nations system are described below.

1. Acts against certain means of transport or specific facilities

15. Civil aviation and maritime activities have been primary targets of international terrorism. The competent international organizations, ICAO and IMO, have therefore adopted instruments for the prevention and suppression of terrorism directed at aircraft and ships, as well as airports and fixed platforms located on the continental shelf.

(a) Aircraft and airports

16. The Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963 (Tokyo Convention) 5/ addresses such questions as the legal status of aircraft, jurisdiction over alleged offences committed on board aircraft and the legal powers of the aircraft commander. This Convention does not include the obligation aut dedere aut judicare. Article 11 of the Convention, however, deals with one specific form of terrorism, namely, aerial hijacking. It reads as follows:

> "1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control over an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to

restore control of the aircraft to its unlawful commander or to preserve his control of the aircraft.

"2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession."

17. As the hijacking problem expanded both in terms of frequency and of the number of countries affected, the international community felt the need for an international instrument aimed at ensuring the prosecution of hijackers and denying them a safe haven. The Convention for the Suppression of Unlawful Seizure of Aircraft, adopted on 16 December 1970 (Hague Convention) 6/ therefore established a mechanism for the above purpose, based on the principle of aut dedere aut judicare.

18. The Hague Convention covers the following offences: the unlawful seizure, or exercise of control, of an aircraft in flight, by force or threat thereof, or by any other form of intimidation; the attempt to perform any such act; and complicity in the performance or attempt of any such act (article 1).

19. Terrorism against aircraft other than hijacking is the subject of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971 (Montreal Convention). 7/ The following acts, if unlawfully and intentionally committed, are covered by this instrument: the performance of an act of violence against a person on board an aircraft in flight likely to endanger the safety of that aircraft; the destruction of an aircraft in service or the damage to such aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; the placement on an aircraft in service, or the causing of such placement, by any means whatsoever, of a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; the destruction or the damage of air navigation facilities or the interference with their operation, if any such act is likely to endanger the safety of aircraft in flight; the communication of information known to be false, thereby endangering the safety of an aircraft in flight; the attempt to commit any of the above offences; and complicity in the commitment or attempt of any such offence (article 1).

20. Terrorist acts in the field of civil aviation have, however, not only been confined to attacks against aircraft; airports have also been targeted. In order to fill this gap, the Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Protocol) was signed on 24 February 1988. 8/ The Protocol adds to the list contained in the Montreal Convention the unlawful or intentional perpetration, through the use of any device, substance or weapon, of the following acts, when such acts endanger or are likely to endanger safety at the airport in question: an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; and the destruction of or serious damage to the facilities of

an international airport serving international civil aviation or aircraft not in service located thereon or the disruption of airport services (article II).

(b) Ships and fixed platforms located on the continental shelf

21. After the Achille Lauro incident, 9/ the international community decided to address the question of international terrorism directed at maritime transport. The International Maritime Organization adopted on 10 March 1988 the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. 10/ The Achille Lauro incident confirmed the fact that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation. In order to safeguard persons and property utilizing this means of transport and to restore confidence, the Convention makes it an offence for any person unlawfully and intentionally to seize or to exercise control over a ship by force or threat thereof or any other form of intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; to destroy or cause damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; to place or cause to be placed on a ship, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; to destroy or seriously damage maritime navigational facilities or seriously interfere with their operation, if any such act is likely to endanger the safe navigation of a ship; to communicate information which he knows to be false, thereby endangering the safe navigation of a ship; to injure or kill any person, in connection with the commission or the attempted commission of any of the above offences. The attempt to commit any of the offences, or to abet or to be an accomplice of a person who commits such an offence, also constitutes an offence. Furthermore, any threat aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set out above, if that threat is likely to endanger the safe navigation of the ship in question, also constitutes an offence (article 3).

22. The scope of application for the Convention is in respect of cases involving a ship navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State or the lateral limits of its territorial sea with adjacent States (article 4).

23. The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf 11/ of 10 March 1988 was adopted in order to safeguard fixed platforms located on the continental shelf against acts of terrorism. The Convention makes it an offence for a person to unlawfully and intentionally seize or exercise control over a fixed platform by force or threat thereof or any other form of intimidation; or to perform an act of violence against a person on board a fixed platform if that act is likely to endanger its safety; or to destroy a fixed platform or to cause damage to it which is likely to endanger its safety; or to place or cause to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety; or to injure or kill any person in connection with the commission or the attempted commission of

any of the offences above. An attempt to commit or abet the commission of any of the offences, or to carry out any threats aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences, also constitutes a crime (article 2).

2. Acts against specific categories of persons

24. Acts of terrorism have often been directed against certain individuals, such as heads of State or government, diplomatic agents, as well as the premises they operate, and their residences and means of transport. These crimes not only jeopardize the safety of these persons, but also create a serious threat to the maintenance of normal international relations which are necessary for cooperation among States. The adoption of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 12/ on 14 December 1973 by the General Assembly was an attempt to prevent the commission of such crimes, and to prosecute and punish offenders. The Convention defines as a crime a murder, kidnapping or other attack upon the person or liberty of an internationally protected person likely to endanger his person or liberty; and a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty (article 2). The threat, an attempt to commit such attack, or to participate as an accomplice in any such attack also constitutes a crime.

3. Hostage-taking

25. Hostage-taking as an aspect of international terrorism has been a concern of the international community for a long time. In order to take effective measures to prevent acts of hostage-taking and to prosecute those involved in this offence or to extradite them, the General Assembly, on 17 December 1979, adopted the International Convention against the Taking of Hostages, annexed to resolution 34/146. In adopting this Convention, States parties also expressed their conviction of the need to develop international cooperation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of hostage-taking as manifestations of international terrorism.

26. The Convention sets forth the offence of "hostage-taking" when a person detains and threatens to kill, injure or continues to detain another person (hostage). These acts should be directed towards compelling a third party, namely a State, an international intergovernmental organization, a national or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage. A person also commits an offence if he attempts to commit or acts as an accomplice of a person who commits or attempts to commit an act of hostage taking (article 1).

4. Use of certain substances or devices for terrorist purposes

27. The need to avert the potential dangers posed by the unlawful taking and use of nuclear material and to adopt appropriate and effective measures to ensure the prevention, detection and punishment of offences relating to nuclear material, which are a matter of grave concern to the international community, led the International Atomic Energy Agency (IAEA) to adopt the Convention on the Physical Protection of Nuclear Material 13/ at Vienna on 26 October 1979. Under the terms of article 7 of the Convention, the commission of any of the following acts shall be made a punishable offence by each State party under its national law: (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property; (b) a theft or robbery of nuclear material; (c) an embezzlement or fraudulent obtaining of nuclear material; (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation; (e) a threat to use nuclear material to cause death or serious injury to any person or substantial property damage or a threat to commit an offence described in (b) above, in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act; (f) an attempt to commit any offence described in (a), (b) or (c), above; and (g) an act which constitutes participation in any offence described in (a) to (f) above. The Convention also contains provisions concerning the establishment of jurisdiction by the States parties over the above offences (article 8), on the principle aut dedere aut judicare (article 10), as well as a number of provisions (articles 3, 5 and 6) concerning the protection and safety of international nuclear transport and the coordination of recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.

28. Following the bombing of Pan Am flight 103 over Lockerbie, Scotland, in December 1988, ICAO undertook the elaboration of an international instrument relating to the marking of plastic or sheet explosives and adopted the Convention on the Marking of Plastic Explosives for the Purpose of Detection on 1 March 1991. 14/ It is the second of two anti-terrorism conventions which is not based on the principle of aut dedere aut judicare (see also para. 16 above). In fact, it focuses solely on the prevention of the use of plastic explosives for terrorist acts. The Convention provides that each State party shall take the necessary and effective measures to prohibit and prevent both the manufacture in its territory, as well as the movement into or out of its territory, of unmarked explosives. States parties also undertake to destroy, consume for purposes not inconsistent with the objectives of the Convention, mark, or render permanently ineffective all stocks of unmarked explosives present in their territory. States have the duty to exercise strict and effective control over explosives manufactured or held exclusively for military, police and research purposes which are exempted from such measures. The Convention establishes an International Explosives Technical Commission, the purpose of which is to evaluate technical developments relating to the manufacture, marking and detection of explosives and, whenever necessary, to make recommendations to the Council of ICAO for amendments to the Technical Annex to the Convention.

29. It is also relevant to mention article 13 (e) of the Universal Postal Convention of 5 July 1974, 15/ which, while not primarily concerned with the problem of use of certain substances or devices for terrorist purposes, provides that States parties shall take the necessary measures "for preventing and, if necessary, for punishing the insertion in postal items of ... explosive or easily inflammable substances, where their insertion has not been expressly authorized by the Convention and the Agreements".

B. Regional international legal instruments

30. At the regional level, three conventions have been concluded aiming at combating acts of international terrorism: (a) the Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortions that are of international significance, 16/ adopted by the Organization of American States (OAS) on 2 February 1971, (b) the European Convention on the Suppression of Terrorism, 17/ adopted by the States Members of the Council of Europe on 27 January 1977; and (c) the Regional Convention on Suppression of Terrorism, adopted by the States Members of the South Asian Association for Regional Cooperation (SAARC) on 4 November 1987.

31. Under the OAS Convention, the Contracting States undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, to prevent and punish acts of terrorism, especially kidnapping, murder and other assaults against the life or physical integrity of those persons to whom the State has the duty according to international law to give special protection, as well as extortion in connection with those crimes (article 1). The Convention considers the following as common crimes: kidnapping, murder and other assaults against the life or personal integrity of those persons to whom the State has the duty to give special protection according to international law, as well as extortion in connection with those crimes. Motive for the commission of any of these crimes is immaterial (article 2). The Convention makes persons charged or convicted for any of the crimes above subject to extradition. States parties also undertook, inter alia, to endeavour to make the crimes listed above included in their penal laws, if not already so included (article 8). The Convention also sets forth in article 5 the principle of aut dedere aut judicare, which obliges the State where the alleged offender is found to extradite him to the requesting State or to prosecute him.

32. The European Convention on the Suppression of Terrorism has primary objective of ensuring that certain offences should not be regarded as political offences for purposes of extradition. According to article 1 of the Convention, the offences in question are those which fall within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970; those under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971; serious offences involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents; offences involving kidnapping, the taking of hostages or serious unlawful detention; offences involving the use of bombs, grenades, rockets, automatic firearms or letter or parcel bombs if this use endangers persons; and attempts to commit any of these offences or participation

as an accomplice of a person who commits or attempts to commit such offences. A State may also decide not to regard as a political offence or as an offence connected with a political offence or as an offence inspired by political motives a serious offence involving an act of violence, other than those covered above, against the life, physical integrity or liberty of a person and serious offences involving an act against property, if the act created a collective danger for persons. An attempt to commit such an offence or to be an accomplice of a person who commits or attempts to commit such an offence is also covered under this provision (article 2). The principle of aut dedere aut judicare has been included in article 7; States parties are obliged either to extradite the alleged offender or to punish him.

33. The SAARC Regional Convention on the Suppression of Terrorism provides that the principle of aut dedere aut judicare shall apply with respect to the following offences: an offence within the scope of The Hague Convention; an offence within the scope of the Montreal Convention; an offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; an offence within the scope of any convention based on the extradite or prosecute principle to which SAARC member States concerned are parties; murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property; an attempt or conspiracy to commit any of the above offences, aiding, abetting or counselling, or participating as an accomplice in, the commission of such offence (articles I and IV). States parties have agreed not to consider, for the purposes of extradition, any of the above offences as a political offence or as an offence connected with a political offence or as an offence inspired by political motives (article I). Moreover, any two or more States parties may, by agreement, apply the above provisions of the Convention with respect to any other serious offence involving violence (articles II and IV).

C. Observations and conclusions

34. Of the 13 instruments mentioned above, only one is not in force (J: marking of plastic explosives). While all the other 12 instruments are already in force, many of them are still far from being universal (e.g., F, G, H, I, J) or fully regional (L, for example). An appeal for wider acceptance should still be made. Quite a number of countries are not at all parties to these treaties (see blank spaces in charts). Several of them are new States and may not have had time to take the appropriate action. An appeal would remind them to do so.

35. The United Nations constitutes the unique forum on a worldwide basis for promoting counter-terrorist activities and international cooperation in combating terrorism. This can clearly be seen from the instruments adopted by the United Nations organs (e.g., 1994 Declaration on Measures to Eliminate International Terrorism) and instruments transmitted by Governments to the Organization (e.g., Lyon Declaration, Sharm-el-Sheik Statement and Cartagena Statement). Against this background, institutions concerned should be

encouraged to review whether a more global approach to counter-terrorism could be taken in addition to the sectoral efforts that have been made so far. Moreover, States should continue to be encouraged to cooperate with one another in the exchange of relevant information concerning the prevention and combating of terrorism and to review the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework concerning all aspects of the matter.

36. Most of the international legal instruments mentioned above pertaining to international terrorism (see the chart in section II) were introduced after significant international incidents had already taken place. International terrorism is in many instances associated with drug trafficking, arms trade, smuggling of modern materials or money laundering and, in other cases, it is connected with groups of extremist ideology. There seems to be a point to consider the need to promulgate international treaties or other kinds of instruments in areas or with respect to subjects which are not covered by existing treaties. Consideration may be given to: terrorist bombings, terrorist fund-raising, traffic in arms, money laundering, exchange of information concerning persons or organizations suspected of terrorist-linked activities, falsification of travel documents, technical cooperation in training for counter-terrorism, and so forth. Attention should also be given to preventing the use of weapons of mass destruction by terrorists and the use of modern information technology for terrorist purposes, such as disrupting a communications network by altering data or disseminating on a wide scale extremist ideologies inciting persons to commit terrorist acts. Study of or research on these phenomena and their relationships could contribute to the clarification of some aspects of international terrorism. Such studies might be initiated within the framework of specific forums, including UNESCO.

III. MEASURES TAKEN AT THE NATIONAL AND INTERNATIONAL LEVELS REGARDING THE PREVENTION AND SUPPRESSION OF INTERNATIONAL TERRORISM AND INFORMATION ON INCIDENTS CAUSED BY INTERNATIONAL TERRORISM

A. Information received from Member States*

Armenia

37. Armenia indicated that the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation will soon be admitted for ratification to its National Assembly. An inter-ministerial multilateral treaty between Commonwealth of Independent States (CIS) countries to combat organized crime and a protocol to cooperate in the struggle against terrorism were signed at Tbilisi on 31 May 1995. Armenia

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* For information on the participation of States in multilateral agreements relating to international terrorism, see table 2.

has also signed bilateral agreements on the struggle against terrorism with the Russian Federation, the United States of America, Ukraine and several others.

38. Armenia reported that it had not experienced cases of international terrorism, though terrorist acts have been committed against its citizens and against people of Armenian nationality who were citizens of a third country:

> "In the period 1992-1995 Azerbaijani secret services carried out numerous acts of terrorism and sabotage against Armenian interests in Georgia. The railway to Armenia was blown up 13 times and the gas pipeline transiting Georgia to Armenia was blown up 20 times. Each of the explosions caused extensive material damage to the Republic and immeasurable suffering to its people as the railway and the pipeline were the only links to the outer world providing the minimum necessary food needs, humanitarian aid and fuel for the population. Furthermore, Azerbaijani armed forces have shot in the air three civilian aircraft ЯК-40 and two helicopters МИ 3 carrying food and medical supplies to the villages of Nagorno-Karabakh under direct military attack of Azeri regular armed forces.
>
> "Moreover, Azeri bands, assisted by Azerbaijani secret services, have launched a campaign of kidnapping and hostage-taking of the citizens of Armenia, including women and children, residing in its border regions, as well as of people of Armenian nationality residing in neighbouring Georgia. The kidnappers have proposed then to exchange hostages for money. Proposals for 40 such kidnapped people have been made. In many cases corpses of the hostages, bearing obvious signs of torture, have been handed over. Currently over 150 hostages remain detained at different detention places in Azerbaijan. Criminal charges have been filed against some of these innocent civilians. Ten people have been already sentenced to death.
>
> "That these hostile acts were carried out not only by civilians and the military, but also by secret services of Azerbaijan and Azerbaijan-based terrorist organizations may be proved by the fact that the mentioned services have many times proposed to exchange hostages for Azeri prisoners of war taken prisoner by the defence forces of Nagorno-Karabakh.
>
> "Over 40 cases have been registered when groups of Azeri commandos have penetrated into the territory of the Republic of Armenia and committed terrorist acts against the civilian population. These and the previous acts have been partly carried out by terrorist organizations like 'Grey Wolves', 'Heirat' and others. Many members of these organizations were also engaged in illicit drug trafficking.
>
> "Necessary data such as names, dates and locations of all these and other terrorist acts, as well as other details, may be communicated at request."

39. Armenia referred to articles 61 (punishment for a terrorist act) and 62 (punishment for a terrorist act against a foreign representative) of its criminal code, under which only those acts against statesmen, public figures and

representatives of foreign States aimed at undermining State authorities or provoking war or international tension are regarded as terrorist acts.

40. It was stated that other manifestations of terrorist acts known in international practice were not defined as terrorism in Armenia and were regarded as separate crimes. For instance, article 180 of the Penal Code envisioned penalties for hijacking an aircraft or for holding a plane for such a purpose if that action has been accompanied by force or threat. Article 150 envisioned penalties for taking or holding hostages if that has been accompanied by threats to kill, injure, to continue to hold the person as hostage, aiming to force the State, an international organization, physical or legal persons or the group of such persons to perform an action or to abstain from performing it as a condition for releasing the hostage. Other criminal activities against the life, health or liberty of a person (murder, injury, torture, etc.), for which punishment was envisioned in chapter 3 of the Penal Code, might in certain circumstances be considered as manifestations of terrorism.

41. Armenia also reported that the President's decree of 1 September 1992 "On the Measures Enhancing the Combat against Organized Crime" initiated some structural changes in the Ministry of Internal Affairs and in the Ministry of National Security. The newly created structures dealt with terrorism as well. Thus, a special structure within the main administration of the Ministry of Internal Affairs against organized crime has been created to support the relevant bodies combating terrorism. Its Ministry of National Security and the Ministry of Internal Affairs are directly in charge of combating terrorism.

Belarus

42. Belarus reported as follows:

> The Republic of Belarus declares its full support for United Nations General Assembly resolution 50/53 and believes the adoption of the Declaration on Measures to Eliminate International Terrorism represents a qualitatively new stage in solving the problems facing the international community in its efforts to combat a dangerous phenomenon of the contemporary world - international terrorism.
>
> The Government of the Republic of Belarus attaches great importance both to international legal means for combating terrorism (Belarus is a party to the majority of international agreements dealing with various aspects of international terrorism) and to the adoption of institutional and other measures to prevent and suppress crimes closely linked with terrorist activities, such as illegal arms trading, drug trafficking, money laundering and smuggling of nuclear and other potentially lethal materials.
>
> In the spirit of the Declaration on Measures to Eliminate International Terrorism, the Republic of Belarus is taking important steps to broaden the political and legal basis for regional cooperation among States in combating terrorism, and improvements are being made in its national legislation.

In addition, the increase in international terrorism and the heightened threat to society posed by organized crime, which employs violence of every description, necessitate the adoption of adequate measures to eliminate terrorism and ensure its universal rejection as a means of achieving political objectives.

In this connection, the adoption of the Declaration on the Elimination of International Terrorism can create the necessary preconditions for the preparation of a draft international legal instrument dealing not with isolated aspects of international terrorism, but rather with terrorism as a whole.

The adoption of the Declaration demonstrates the international community's potential for solving the most complex international problems.

The Republic of Belarus is in favour of all-round cooperation among States to combat international terrorism.

Iceland

43. Iceland reported that no incidents caused by international terrorism or criminal prosecutions and sentences on the grounds of international terrorism have taken place there in recent decades. As regards Icelandic legislation, the main legislative measures to combat international terrorism have been taken by amending Penal Code No. 19/1940. These amendments have been the following:

(a) Act No. 24/1976, amending the Penal Code, added a new subsection (subsection 5) to section 6 of the Code, providing for the jurisdiction of the Icelandic courts for acts prescribed in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973.

(b) Act No. 52/1980, amending the Penal Code, added a new subsection (subsection 6) to section 6 of the Code, providing for the jurisdiction of the Icelandic courts for acts prescribed in article 1 of the European Convention on the Suppression of Terrorism of 27 January 1977.

(c) Act No. 69/1981, amending the Penal Code, added a new subsection (subsection 7) to section 6 of the Code, providing for the jurisdiction of the Icelandic courts for acts prescribed in the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979.

(d) Act No. 16/1990, amending the Penal Code, added a new subsection (subsection 4) to section 6 of the Code, providing for the jurisdiction of the Icelandic courts for acts prescribed in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971 and supplementary to the Convention signed at Montreal on 24 February 1988. In addition, two provisions (section 120 a and section 165, subsections 2, 3 and 4) were added to the Penal Code, since the acts prescribed in the Convention were not clearly punishable under previous penal legislation.

According to section 3 of Act No. 13/1984, on Extradition and Other Assistance in Criminal Matters, extradition might only be granted if the offence or a comparable offence carried a sentence exceeding one year's imprisonment under Icelandic law. Since the acts prescribed in the above-mentioned international conventions to which Iceland was a party exceeded one year's imprisonment according to Icelandic legislation, extradition might be granted in these instances. 18/

Italy

44. Italy reported that in the period 1970-1982, it experienced the development and later the suppression of internal terrorism.

(a) To confront this emergency, the Government adopted three types of ad hoc systematic measures:

(i) Technical, through a programme to expand infrastructures, increase weapons and technical instruments, and improve the selection and training of Police Force personnel;

(ii) Organizational, assuring effective coordination of the Police Forces, also through the establishment of special offices, in the capital and in the provinces, and through greater computerization of police work;

(iii) Legal, by adapting both the substantive and procedural legislative provisions, with subsequent interventions known as "emergency legislation".

Emergency legislation

(b) To combat the terrorist phenomenon and the serious forms of organized crime, a series of legal measures were adopted, namely:

Law 110 of 18 April 1975 (complemented by article 6 of Law 152 of 22 May 1975 and article 4 of Law 533 of 8 August 1977), which organically regulated all legislation on weapons.

Law 152 of 22 April 1975, "Measures to safeguard public order", which did the following:

- Reduced the judiciary discretion to grant pre-trial provisional liberty in cases involving crimes against the State and forms of organized crime;

- Expanded the possibilities of preventive detention;

- Modified laws on the legitimate use of arms by police forces;

- Introduced the freedom for officers and agents of the judicial police and of the public force to conduct searches of persons and automobiles.

Law 296 of 7 June 1977, which, to solve the problem of detained terrorists' procedural boycott, prescribed the suspension of terms of preventive incarceration for the entire period during which the debate was suspended or postponed due to force majeure.

Law 533 of 8 August 1977, which allowed, in cases where suspects were caught in the act of committing crimes involving arms and explosives or crimes against the State, massacres and armed banditry, the seizure of headquarters (hideouts) of organizations, associations and groups.

Law 191 of 18 April 1978, "Penal and procedural rules for the suppression of serious crime", which provided for:

- The hypothesis of bombing attacks on public utility facilities and kidnapping for terrorist or subversive purposes (art. 289 bis c.p.);

- Summary information on the suspect, persons arrested or being held for questioning, without the presence of a defence attorney;

- Preventive interception of telephone conversations for some forms of serious crimes (currently allowed only during investigations of crimes of association to commit Mafia-type crime or for drug trafficking);

- Denunciation of the sale of real estate;

- Request by the Ministry of the Interior to the judicial authorities for copies of documents or information;

- The power to bring people into police headquarters for identification purposes.

Law 15 of 6 February 1980, "Urgent measures to safeguard the democratic order and public security", which provided for the following:

- New types of crimes (association for aims of terrorism or overthrow of the democratic order - art. 270 bis c.p. - and bombing attacks for aims of terrorism or subversion - art. 280 c.p.);

- Limit on provisional liberty, increases in penalties and increase in the terms of preventive incarceration (from 8 years to 10 years and 2 months);

- Power of police to hold a suspect for 48 hours (temporary measure that was not renewed after 1982);

- Judiciary police searches, also through telephonic authorization from the Prosecutor, of entire buildings or building complexes.

Law 23 of 14 February 1980 on operative coordination of the Police Forces.

Emergency legislation also includes "reward legislation". In particular, the above-mentioned Law of 6 February 1980, in article 4, provides for, in general:

- As a cause for non-punishment, the disassociation of persons who voluntarily prevent the criminal act and provide decisive proof for the exact reconstruction of events and the identification of participants;

- As a specific attenuating circumstance, a person's lending their efforts to the criminal act not leading to further consequences, i.e., helping the authorities to identify the participants.

Law 304 of 29 May 1982, "Measures to defend the constitutional order", whose applicability ended in February 1983, provided for a cause of non-punishment and particularly favourable conditions with a reduction on penalties and broad legal benefits for "penitent terrorists", who break away from the terrorist organization by collaborating with the authorities.

Finally, a law was approved (34 of 1987) aimed at further favouring "disassociation" through terms of application for a 30-day period starting on the day the measure entered into force. In particular, this guaranteed reduced penalties and allowed provisional liberty for those who definitively and unequivocally proved that they had broken their ties with terrorist organizations or movements.

(c) More recently, in relation to episodes of racism and xenophobia in Italy, Law 205 of 25 June 1993 was adopted (which converted, with some modifications, Decree 122 of 26 March 1993, "Urgent measures on matters of racial, ethnic and religious discrimination"). This act, aiming to specifically strike criminal or vandalistic behaviour that had ideological or political connotations, pursued its objectives on three levels:

(i) Preventive activity, referring to measures provided for by anti-Mafia laws and with the possibility of suspending activities (breaking up an association and confiscating its assets) of racist or discriminatory groups that use or threaten or glorify violence, or publicly exhibit symbols or emblems tied to formations of the same type;

(ii) Sanctions through the introduction of ad hoc penal norms and special aggravating circumstances;

(iii) Procedural instruments that provided for the possibility of judicial prosecution of aggravated crimes, direct judgement and property searches (also for guarantee purposes, with a view towards confiscation).

Japan

45. Japan transmitted the following list of laws relating to international terrorism:

(a) Law for the Implementation of the Provisions of Article 13 of the Convention on Offences and Certain Other Acts Committed on Board Aircraft (effective on 24 August 1970);

(b) Law for Punishing the Acts Causing Dangers to Aircraft and Other Related Crime (effective on 12 July 1974);

(c) Law for Punishing the Seizure of Aircraft and Other Related Crime (effective on 7 June 1970);

(d) Law for Punishing the Acts Causing Dangers to Aircraft and Other Related Crime (see above);

(e) Article 4.2 of the Penal Code (amended in 1987);

(f) Article 1.2(3) of the Law concerning Punishment of Physical Violence and Others (amended in 1987) (related to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and to the International Convention against the Taking of Hostages);

(g) Law for Punishing Compulsion and Other Related Acts Committed by Those Having Taken Hostages (effective on 5 June 1978 and amended in 1987);

(h) Law for the Regulations concerning Nuclear Source Material, Nuclear Fuel Material and Reactors (effective on 9 December 1957 and amended in 1988).

Norway

46. Norway indicated that its legal system did not contain specific rules and regulations regarding the prevention and suppression of international terrorism. Individual acts of terrorism were liable for prosecution and punishment in accordance with the Norwegian Civil Penal Code of 1902.

Panama

47. Panama reported as follows:

> "With regard to international terrorist incidents and criminal trials and convictions, there have been only two acts of international terrorism during the present decade, and these are under investigation in the courts. The first, which occurred in 1993, was an explosion at a container port which caused extensive damage to goods warehoused there and some injuries. The export of arms to the Republic of Ecuador was involved. The second, which occurred on 22 July 1994, involved an aeroplane used in domestic service, which crashed as a result of an explosion, killing 21 persons. Both incidents were attributed to organized international groups,

especially the fundamentalist group Ansarullah, based in Sidon, Lebanon, which claimed responsibility for the attack on the Alas Airlines plane. Three months earlier, that group had declared all-out war on Israel and the United States.

"In this case, the Assistant Public Prosecutor, through the Forensic Explosives Unit of the Criminology Department of the Technical Criminal Investigation Agency, conducted a thorough investigation into the backgrounds and relations of each of the 21 businessmen of various nationalities who were killed in the accident, in an attempt to find a common thread that would allow the perpetrator or perpetrators of this terrorist act to be identified. The case is still open and no charges have been brought to date.

"Despite the proximity of Panamanian territory to jungle areas of Colombia where organized armed groups are operating, Panama has so far not experienced any acts that would fall into the category of international terrorism, aside from threats received through anonymous calls that bombs have been planted in various public buildings and places.

"As regards the legislation in force in Panama for the prevention and suppression of terrorism in all its forms, the following can be mentioned:

(a) Executive Decree No. 11 of 8 November 1945, establishing special penalties for the offences of espionage, sabotage, terrorism and other crimes committed against the country's authorities and democratic form of government. Such offences are punishable by a maximum prison sentence of 20 years. This decree, dating from the post-war period, is geared to preventing any untoward consequences of the Second World War.

(b) Act No. 5 of 29 October 1964, which enacted public safety measures. This law made it a criminal offence to possess, sell transport, give or transfer explosives or devices intended to cause harm to life or property or to spread terror in the community.

(c) Act No. 7 of 29 October 1979, approving the Convention to Prevent and Punish Acts of Terrorism taking the Form of Crimes against Persons and Related Extortion that are of International Significance. This Convention (No. 4 of 30 June 1970) was adopted by the General Assembly of the Organization of American States.

(d) Act No. 8 of 29 October 1979, approving the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

"Although Panama has not incorporated into its laws the Declaration on Measures to Eliminate International Terrorism adopted by the United Nations General Assembly at its 84th plenary meeting of 9 December 1994, as a Member of the Organization, it has consistently pursued a policy of condemning all actions, methods and practices of a terrorist nature, no matter where they take place or who commits them. It maintains a firm

policy of not granting any form of amnesty or pardon for such acts, and considers them crimes against humanity.

"Moreover, Panama has been guided by the principles of the Charter of the United Nations and respects the commitments and norms of international law. It therefore refrains from participating in activities for terrorist purposes or cooperating with those who engage in such activities, whether against persons or property located in its territory or in other States.

"In addition, among the offences against the international community punished under Panama's Penal Code are articles 312 and 313, which read as follows:

'Article 312. Anyone who recruits persons, acquires weapons or carries out other hostile acts not approved by the Government, within the territory of the Republic or outside it against another State, exposing Panama to the danger of war or a breakdown in its international relations, shall be sentenced to imprisonment for three to six years.

'Article 313. Anyone who impedes or disrupts the implementation of the conventions and treaties concluded and ratified by the Republic in such a way as to compromise the responsibilities of Panama shall be sentenced to imprisonment for one to three years.'

"Finally, Panama was present at all the regional and international meetings where the issue of terrorism was discussed. At the national level, it has supported the dissemination of the United Nations Declaration through various forums and the mass media, and has promoted the study of terrorist attacks which have occurred in other Latin American countries in this decade, in order to create awareness of the magnitude and complexity of the problem, with the aim of preventing and suppressing terrorism."

Turkey

48. Turkey indicated that it had developed an information network with many countries on security and prevention of terrorism. It has signed security cooperation agreements with the Russian Federation, Macedonia, Turkmenistan, Poland, Kazakstan, Uzbekistan, Argentina, Bulgaria, the Czech Republic, the Sudan, Jordan and Azerbaijan. Since June 1995, Turkey has signed cooperation agreements with Croatia and Slovakia on the prevention of international terrorism and illicit traffic of illegal drugs and psychotropic substances. Turkey has actively participated in the Baguio Anti-Terror Conference in the Philippines and in the Sharm-El-Sheikh Summit of Peacemakers in Egypt in 1996. Turkey provided the following statistics:

(a) Terrorist incidents that occurred between 1 June 1995 and 15 May 1996:

Number of incidents: 4,123

Terrorists (dead): 2,567

Terrorists (wounded): 161

Civilians (dead): 279

Civilians (wounded): 497

Security forces (dead): 616

Security forces (wounded): 1,395

(b) Public actions initiated against terrorist acts in different cities:

Ankara: 128 cases

Kayseri: 34 cases

Erzincan: 809 cases

Izmir: 126 cases

Malatya: 199 cases

Diyarbakir: 2 123 cases

Konya: 235 cases.

United Kingdom of Great Britain and Northern Ireland

49. The United Kingdom of Great Britain and Northern Ireland transmitted copies of the following statutes of the United Kingdom:

(a) Tokyo Convention Act, 1967;

(b) Internationally Protected Persons Act, 1978;

(c) Suppression of Terrorism Act, 1978;

(d) Taking of Hostages Act, 1982;

(e) Aviation Security Act, 1982;

(f) Nuclear Material (Offences) Act, 1983;

(g) Aviation and Maritime Security Act, 1990.

As indicated, these Acts, or their relevant provisions, have enabled the United Kingdom to become party to the relevant conventions. In addition, the relevant provisions of the Prevention of Terrorism (Temporary Provisions) Act, 1989 were also transmitted. 19/

B. Information received from international organizations

International Civil Aviation Organization

50. The Council of ICAO, at the third meeting of its 147th session on 23 February 1996, examined the subject of acts of unlawful interference with aviation which had occurred in 1995 as contained in the relevant report of the Committee on Unlawful Interference. The Council noted that 14 acts of unlawful interference which occurred in 1995 have been officially reported or confirmed by concerned States. In addition, it was known to ICAO and other international organizations that in this reporting period three other incidents also occurred. In order to provide a realistic basis for the comprehensive analysis of acts of unlawful interference for 1995, all 17 acts have been taken into consideration. The Council decided that the information obtainable from these occurrences for the year 1995 should be communicated to the security authorities of Contracting States on a confidential basis.

51. ICAO reported that an analysis of the acts of 1995 revealed the following:

(a) The number of acts of unlawful interference which occurred during 1995 decreased to 17 from 42 in 1994;

(b) Of the total 17 acts, 4 involved international flights, 11 involved domestic aviation and 2 constituted ground facility attacks;

(c) The 17 acts can be broken down into broad categories as follows:

Category of occurrence	International	Domestic	Total
Sabotage	0	0	0
Seizure	2	7	9
Attempted seizure	0	2	2
In-flight attack	1	2	3
Facility attack	0	2	2
Unlawful act against the safety of civil aviation	1	0	1
Total	4	13	17

(d) Of the 11 acts of seizure and attempted seizure, perpetrators used real weapons in 6 cases. In five incidents, the hijackers threatened to blow up the aircraft with explosive devices which, after the termination of the incident, were found to be either non-existent or fake;

(e) Of the 11 seizure/attempted seizure incidents, 5 involved persons fleeing from one country to another, 3 involved publicity seekers, 2 were theft-motivated and 1 was kidnapping-related;

(f) As a result of these 17 occurrences, 2 perpetrators were killed and 2 were wounded. No passenger/crew member was killed; however, 3 passengers were injured; and

(g) Of the three in-flight attacks, one was terrorist-related, in one case the offender attacked the crew members in flight, and one was theft-motivated.

52. ICAO made the following observations:

(a) The number of reported acts of unlawful interference against civil aviation worldwide fell from 42 in 1994 to 17 in 1995. More important than this decline was the geographical distribution of occurrences. No official reports have been received from Contracting States in the following ICAO regions: North American, Central American and Caribbean, South American and Western and Central African. There was also a considerable drop.in such incidents in the European and North Atlantic region, 6 compared with 21 in 1994.

(b) During 1995, no passenger or crew member was killed as a result of these incidents. There was no incident of total destruction of aircraft in flight caused by sabotage. However, as the threat to civil aviation continued, vigilance and consistent and uniform implementation of the provisions of annex 17 was essential.

(c) In two cases, perpetrators committed an offence by using gasoline or by threatening with fake "sarin" gas in a vinyl bag filled with water. Strict security controls were therefore needed to all carry-on items, with proportional increase in manual searches as the level of threat increases. Additional training for aviation security personnel should be organized to address this new challenge.

(d) The high level (76 per cent) in the number of acts involving domestic aviation in 1995, as in previous years, confirmed again the need for States to consider the advisability of introducing appropriate security measures similar to those in annex 17 for their domestic operations.

International Maritime Organization

53. The IMO Assembly at its fourteenth session in November 1987, expressing concern at the danger to passengers and crews resulting from the increasing incidents of piracy and other unlawful acts, adopted Assembly resolution A.584 (14) on Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews. The resolution called on all Governments, port operators, shipowners and seafarers to take steps to strengthen port and on-board security; and instructed the Maritime Safety Committee (MSC) of IMO to develop detailed, practical, technical measures, including both shore side and shipboard measures which may be employed to ensure the security of passengers and crews on board ships.

54. Pursuant to the above, the Maritime Safety Committee developed and adopted MSC circular 443 on measures to prevent unlawful acts against passengers and crews on board ships. The circular contained detailed advice on security measures for port operators, companies operating passenger ships and ships' crews. They were worded in broad and general terms to allow those concerned some flexibility in their application.

United Nations Educational, Scientific and Cultural Organization

55. UNESCO endeavoured to raise public awareness of the dangers and consequences of terrorism and contributes within its fields of competence to the elimination of the underlying causes. In these activities, UNESCO maintained close cooperation with the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat.

56. Within the framework of its Culture of Peace Programme, UNESCO launched a series of national programmes which ought to eradicate violence and promote reconciliation. The programme on education for peace, human rights, democracy and international understanding provided a meaningful contribution to the struggle against terrorism inasmuch as it promoted thinking and behaviour based on common humanistic and cultural values. In conformity with its mandate as lead agency for the United Nations Year for Tolerance (1995), UNESCO has implemented and will continue to implement a diversified programme of regional meetings, concerts, broadcasts, festivals, publications and exhibitions, which might be regarded as a contribution towards progressive elimination of causes of terrorism. Its Director-General made on a number of occasions public statements condemning acts of terrorism and denouncing situations in which the life of educators, journalists, scientists and artists was in jeopardy.

Organization of American States

57. OAS adopted a declaration and a plan of action at its second plenary session, held on 26 April 1996, the texts of which are reproduced below:

(a) DECLARATION OF LIMA TO PREVENT, COMBAT AND ELIMINATE TERRORISM

"The ministers and heads of delegation of the member States of the Organization of American States (OAS), meeting in Lima, Peru, from April 23 to 26, 1996, for the Inter-American Specialized Conference on Terrorism,

"TAKING AS A BASIS the principles and purposes enshrined in the Charter of the Organization of American States;

"RECALLING that the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion That Are of International Significance, signed in Washington, D.C., in 1971; resolutions AG/RES.4 (I-E/70), AG/RES.775 (XV-O/85), AG/RES.1112 (XXI-O/91) and AG/RES.1213 (XXIII-O/93); and the Declarations of Asunción (1990) and Belém do Pará (1994) attest to an evolution in the

treatment by the Organization of American States of the serious and disturbing phenomenon of terrorism;

"CONSIDERING that, in the Declaration of Principles of the Summit of the Americas (Miami, December 1994), the heads of State and government said: 'We condemn terrorism in all its forms, and we will, using all legal means, combat terrorist acts anywhere in the Americas with unity and vigor', and that in the Plan of Action under the section entitled 'Eliminating the Threat of National and International Terrorism' (item 7), they affirmed that this scourge constitutes 'a systematic and deliberate violation of the rights of individuals and an assault on democracy itself' and decided that 'a special conference of the OAS on the prevention of terrorism' should be held;

"BEARING IN MIND that the ministers of foreign affairs of the Hemisphere noted in the Declaration of Montrouis: A New Vision of the OAS, adopted by the OAS General Assembly at its twenty-fifth regular session (June 1995), that 'terrorism is a serious criminal phenomenon of deep concern to all member States, and that it has devastating effects on civilized coexistence, democratic institutions, and the lives, safety, and property of human beings', and that at that session the General Assembly convened an Inter-American Specialized Conference on Terrorism [AG/RES.1350 (XXV-O/95)];

"RECALLING the Declaration of Quito, singed at the IX Meeting of the Rio Group (September 1995), in which the heads of State and government said: 'We reiterate our condemnation of terrorism in all its forms as well as our determination to make vigorous, united efforts to combat this scourge by all available legal means, since it violates basic human rights';

"RECALLING also the Framework Treaty on Democratic Security in Central America (December 1995), signed by Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, in which the parties undertake to prevent and combat, without exception, all types of criminal activity with a regional or international impact, such as terrorism;

"TAKING NOTE of the Final Declaration of the States Participating in the Meeting of Consultation on Cooperation to Prevent and Eliminate International Terrorism, adopted in Buenos Aires (August 1995) by Argentina, Brazil, Canada, Chile, Paraguay, the United States and Uruguay, which, inter alia, reiterated that 'the cooperation that exists between our governments must be enhanced', in the context of which an agreement was signed in March 1996 among Argentina, Brazil and Paraguay to implement effective measures in response to the criminal phenomenon of terrorism;

"TAKING INTO ACCOUNT the recent work of the United Nations and noting the documents issued by the Ottawa P-8 Ministerial Conference on Terrorism (December 1995) and the International Conference on Counterterrorism, held in Baguio (February 1996);

"MINDFUL that terrorist acts are an assault on the rule of law and democratic institutions and are often intended to destabilize democratically elected constitutional governments;

"CONCERNED by the detrimental effects terrorism can have on efforts to attain the common objective of regional integration and to promote economic and social development in the countries in the Hemisphere;

"RECOGNIZING that terrorist acts, by whomever and wherever perpetrated and whatever their forms, methods or motives, are serious common crimes of felonies;

"DEEPLY ALARMED at the persistence of this scourge and at its occasional links to the illicit production and use of drugs and trafficking therein, to trafficking in chemical precursors, and to money laundering, as well as its possible ties to other criminal activities;

"RECOGNIZING the importance to the fight against terrorism of eliminating the illicit production and use of arms, munitions and explosive materials and trafficking therein; and

"CONVINCED that existing regional cooperation must be intensified and that concerted and effective measures must be adopted urgently in response to the threat of terrorism,

"DECLARE:

1. That observance of international law, full respect for human rights and fundamental freedoms, respect for the sovereignty of States, the principle of non-intervention, and strict observance of the rights and duties of States embodied in the Charter of the OAS constitute the global framework for preventing, combating and eliminating terrorism.

2. That terrorist violence erodes peaceful and civilized coexistence, affects the rule of law and the exercise of democracy, and endangers the stability of national institutions and the socio-economic development of our countries.

3. That terrorism, as a serious form of organized and systematic violence, which is intended to generate chaos and fear among the population, results in death and destruction and is a reprehensible criminal activity.

4. Their most emphatic condemnation of all terrorist acts, wherever and by whomever perpetrated, and all methods used to commit them, regardless of the motivation invoked to justify the acts.

5. That terrorist acts are serious common crimes or felonies and, as such, should be tried by national courts in accordance with domestic law and the guarantees provided by the rule of law.

6. Their resolve to cooperate fully on matters of extradition, in conformity with their domestic law and treaties in force on the subject, without prejudice to the right of States to grant asylum when appropriate.

7. That terrorism, as noted by the heads of State and government at the Summit of the Americas, is a violation of the fundamental rights and freedoms of individuals and an assault on democracy itself.

8. Their decision to study, on the basis of an evaluation of existing international instruments, the need for and advisability of concluding a new inter-American convention on terrorism.

9. That it is important for OAS member States to ratify or accede to international instruments on terrorism as soon as possible and, when necessary, to implement them through their domestic laws.

10. Their decision to increase cooperation among member States in combating terrorist acts, while fully observing the rule of law and international norms, especially with regard to human rights.

11. That it is essential to adopt all bilateral and regional cooperation measures necessary to prevent, combat and eliminate, by all legal means, terrorist acts in the Hemisphere, with full respect for the jurisdiction of member States and for international treaties and conventions.

(b) PLAN OF ACTION ON HEMISPHERIC COOPERATION TO PREVENT, COMBAT AND ELIMINATE TERRORISM

"The ministers and the heads of delegation of the member States of the Organization of American States (OAS), meeting in Lima, Peru, at the Inter-American Specialized Conference on Terrorism, firmly resolved to achieve the overall objectives set forth in the Declaration of Lima to Prevent, Combat and Eliminate Terrorism, agree to the following Plan of Action:

"The Governments

1. Shall endeavour to establish terrorist acts as serious common crimes or felonies under their domestic laws, if they have not yet done so.

2. Shall promote the prompt signing and ratification of and/or accession to international conventions related to terrorism, in accordance with their domestic laws.

3. Shall periodically share updated information on domestic laws and regulations adopted in the area of terrorism and on the signing and ratification of and/or accession to relevant international conventions.

4. Shall provide pertinent legal information and other background data on terrorism to the General Secretariat, which shall keep them organized and up-to-date.

5. Shall promote measures for mutual legal assistance to prevent, combat and eliminate terrorism.

6. In keeping with relevant domestic and international laws, shall extend their utmost cooperation with respect to criminal proceedings initiated against alleged terrorists, by providing to the State that has exercised jurisdiction any evidence in their possession. If appropriate, they shall facilitate direct communication among the jurisdictional bodies to expedite the presentation of evidence of the crime.

7. As an expression of their firm political will to employ all legal means to prevent, combat and eliminate terrorism, shall promote strict and timely compliance with applicable extradition treaties or, if appropriate, shall deliver the alleged perpetrators of terrorist acts to their competent authorities for prosecution, in accordance with their domestic laws, if sufficient legal grounds for doing so exist.

8. In keeping with their domestic laws, shall adopt the necessary measures to refuse to make concessions to terrorists who take hostages and to ensure that they are brought to justice.

9. When they deem it appropriate, shall report to each other and take measures to prevent and address any abuses, related to terrorist acts, of the privileges and immunities recognized in the Vienna conventions on diplomatic and on consular relations and in the applicable agreements concluded between States and international organizations and agencies.

10. Shall endeavour, in keeping with their domestic laws, to exchange information concerning terrorist individuals, groups and activities. In this context, when a State finds that there are sufficient grounds for believing that a terrorist act is being planned, that State shall provide as soon as possible any pertinent information to those States potentially affected in order to prevent the commission of that act.

11. Shall endeavour to promote and enhance bilateral, subregional and multilateral cooperation in police and intelligence matters to prevent, combat and eliminate terrorism.

12. Shall extend, when possible, their utmost cooperation and technical assistance for the regular and advanced training of personnel entrusted with counterterrorism activities and techniques.

13. Shall coordinate efforts and examine measures to improve cooperation in the areas of border security, transportation and travel documents in order to prevent terrorist acts. They shall also promote the modernization of border control and information systems to prevent the

passage of persons involved in terrorist acts as well as the transport of equipment, arms and other materials that could be used to commit such acts.

14. Shall make special efforts to adopt, in their territories and in keeping with their domestic laws, measures to prevent the provision of material or financial support for any kind of terrorist activity.

15. Shall adopt measures to prevent the production of, trafficking in and use of weapons, munitions and explosive materials for terrorist activities.

16. Shall adopt measures to prevent the terrorist use of nuclear, chemical and biological materials.

17. When appropriate, shall share information on the findings of an experience afforded by investigations of terrorist activities.

18. Shall endeavour to assist the victims of terrorist acts and shall cooperate among themselves to that end.

19. Where appropriate and in keeping with their domestic laws, shall furnish to the State of which the victims are nationals, in a complete and timely manner, the information in their possession regarding such victims and the circumstances of the crime.

20. Shall endeavour to provide humanitarian and all other forms of assistance to member States upon request following the commission of terrorist acts in their territories.

21. Shall begin to study, within the framework of the OAS and on the basis of an evaluation of existing international instruments, the need for an advisability of a new inter-American convention on terrorism.

22. Shall hold meetings and consultations to afford one another their utmost assistance and cooperation in preventing, combating and eliminating terrorist activities in the Hemisphere and, within the framework of the OAS, shall follow up on the progress made in implementing this Plan of Action.

23. Shall recommend to the General Assembly of the Organization of American States that it consider convening a meeting of experts to examine ways to improve the exchange of information among the member States in order to prevent, combat and eliminate terrorism."

South Asian Association for Regional Cooperation

58. SAARC indicated that, as per the mandate of its higher bodies, a SAARC Conference on Cooperation in Police Matters was scheduled to be held at Colombo from 29 to 31 July 1996. This was being convened in view of the common areas of interest in police work in the SAARC region which required cooperation between member countries, particularly in the areas of terrorism, narcotic and drug

peddling, extradition of offenders, training, transfer of technology and sharing of information and money laundering. Moreover, SAARC recalled various summit declarations (Kathmandu, 2-4 November 1987; Islamabad, 29-31 December 1988; Male, 21-23 November 1990; Colombo, 21 December 1991) which condemned unequivocally all acts, methods and practices of terrorism as criminal and called for the adoption of enabling measures for the implementation of the SAARC Regional Convention on the Suppression of Terrorism, which entered into force on 22 August 1988. Member States were also urged to cooperate in accordance with the Convention.

59. The Heads of State or Government at the Seventh SAARC Summit (Dhaka, 10 and 11 April 1993) noted with grave concern that the efforts to combat the growing threat of terrorism had resulted in the diversion of valuable scarce resources from urgent development programmes. They reiterated the need to give high priority to the enactment of enabling legislation at the national level to give effect to the SAARC Regional Convention on the Suppression of Terrorism, while urging the member States that had not yet done so to make every effort to finalize this matter before the Eighth SAARC Summit. While recognizing that some progress had been achieved in the fields of consultation and exchange of information, they stressed the need for further enhancing cooperation in these fields as well as for coordinated action. They called for the expeditious implementation of the recommendations formulated for advancing cooperation in this regard.

60. The Heads of State or Government at the Eighth SAARC Summit (New Delhi, 2-4 May 1995) expressed serious concern on the spread of terrorism in and outside the region and reiterated their unequivocal condemnation of all acts, methods and practices of terrorism as criminal. They deplored all such acts for their ruinous impact on life, property, socio-economic development and political stability as well as on regional and international peace and cooperation.

61. The Heads of State or Government once again emphasized that highest priority should be accorded to the enactment of enabling legislation at the national level to give effect to the SAARC Regional Convention on the Suppression of Terrorism. They urged member States that had not yet done so to enact expeditiously enabling legislation at the national level to implement the Convention and reiterated the need for a constant dialogue and interaction among the concerned agencies of member States, including submission of periodical recommendations to the Council of Ministers. They underlined that cooperation among SAARC member States was vital if the scourge of terrorism was to be eliminated from the region.

IV. REVIEW OF EXISTING POSSIBILITIES WITHIN THE UNITED NATIONS SYSTEM FOR ORGANIZING WORKSHOPS AND TRAINING COURSES ON COMBATING CRIMES CONNECTED WITH INTERNATIONAL TERRORISM

62. The Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna organizes workshops and training seminars in the field relating to crime prevention and criminal justice. Generally, these are organized for law enforcement officers, prosecutors, investigating judges and corrections officers, and focus on the use and application of United Nations standards and

norms in the administration of justice. In recent times, since the resources allocated to these activities in the programme budget are quite limited, a number of such training seminars have been planned, organized and conducted jointly with other United Nations entities such as the United Nations International Drug Control Programme and the Centre for Human Rights of the Secretariat, as well as international professional organizations. The Branch also assists Member States by providing advisory services on legislation, policies and strategies for preventing, controlling and combating crime, including terrorism. The nature of the training courses, seminars and advisory services to be offered depends on the results of needs assessments which are carried out in response to requests of Member States.

63. The Branch also provides interregional advisers free of charge to requesting Governments, to assist them in solving urgent and specific problems. In general, a request for assistance from Member States would enable an interregional adviser to undertake an exploratory mission so as to discuss with the appropriate national authorities how to approach the relevant problems.

64. ICAO reported that, consistent with its policy to accord aviation security the highest priority in its work programme, it had endeavoured to assist States in organizing workshops and training courses on combating crimes connected with international terrorism.

65. The Third Aviation Security Seminar for the Eastern and Southern African Region was held at Windhoek, Namibia, from 27 to 31 March. It was attended by 30 representatives from 11 States and 3 international organizations. The Fifth Aviation Security Seminar for the South American Region was held at Caracas, Venezuela, from 26 to 30 June. It was attended by 311 delegates from 21 States, 9 airlines and 5 international organizations.

66. Regional workshops designed to assist States to develop their national aviation security programme by using the ICAO model have been staged in Budapest (Hungary), Cairo (Egypt), Nairobi (Kenya) and Penang (Malaysia) and were attended by 58 participants from 28 States.

67. To meet Contracting States' growing need for training personnel, ICAO has decided to establish aviation security training facilities within existing civil aviation training centres. In this context, Belgium, Germany and the United States have provided funds for the establishment and operation of the Regional Training Facility at the Civil Aviation Technical School in Quito, Ecuador. Plans are in place to establish similar regional training facilities at Dakar (Senegal) and Port-of-Spain (Trinidad and Tobago) and in the European and North Atlantic and the Middle East regions.

68. In the field of technical cooperation, the following aviation security activities took place: experts were recruited to work in Chile and Panama, to review the security conditions at international airports and formulate the appropriate recommendations, in Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam. Their activities included the assessment of existing aviation security arrangements, and development and improvement of aviation security programmes as well as the establishment of aviation security units in

the Asia/Pacific region. Thirteen fellowships for a total duration of 10 work/months were implemented for the developing countries.

69. Communications to States were made on a number of subjects, including resolution A31-4, "Consolidated Statement of Continuing ICAO Policies related to the Safeguarding of International Civil Aviation against Acts of Unlawful Interference"; observations derived from the analysis of acts of unlawful interference which occurred in 1994 and exchange and dissemination of information on security systems and devices, as well as on training. Pursuant to the decision on the establishment of ICAO programmes to assist States upon request during and following acts of unlawful interference, the list of expertise and the roster of experts were also communicated to Contracting States on a confidential basis. Given the high priority currently being accorded to aviation security in the work programme of ICAO and in furtherance of the Council resolution of 16 February 1989, the President of the Council and the Secretary-General continued their efforts towards improvements in implementation of security standards worldwide and development of additional standards to counter acts of sabotage.

70. The Ad Hoc Group of Specialists on the Detection of Explosives held its ninth meeting from 5 to 9 June. The Group reviewed the status of work on the four marking agents listed in the Technical Annex to the Convention on the Marketing of Plastic Explosives for the Purpose of Detection, in particular the report on the results of a survey on the potential use of marking agents by producing States.

71. The Group also considered the results of the workshop held in the United Kingdom in September 1994 relating to the development of common protocols for the evaluation of explosive detection systems. These protocols will be documented and made available to Contracting States.

72. The International Maritime Organization organized seminars in Puerto Rico, the Aegean Sea and Tokyo to explain the intent of circular 443 on measures to prevent unlawful acts against passengers and crews on board ships, and allow detailed discussion of its provisions. In a similar seminar sponsored by the Government of the United Kingdom at IMO headquarters in 1994, there was general agreement that the measures recommended by the circular are adequate for the security of passenger ships on long voyages but needed to be strengthened in respect of ro-ro passenger ships on short voyages of less than 24 hours' duration. For this purpose, at its sixty-sixth session in May 1996, the Maritime Safety Committee recommended additional measures for international passenger ferries and ports to be issued as MSC circular 754.

73. UNESCO prepared studies on threats to democracy and on sources of violence, xenophobia and racism, which would contribute to the Organization's efforts to combat international terrorism. In this connection reference was made to UNESCO Executive Board document 146 Ex/44, "Report by the Director-General on the possible forms of UNESCO's participation in the endeavours of the international community to promote cooperation in combating the danger of terrorism". It was therein indicated that all UNESCO activities towards a culture of peace also contribute to the elimination of the sources of terrorism. Moreover, some specific measures related to prevention and elimination of terrorism were

foreseen in the context of the UNESCO programme for 1996-1997 and activities for the Fourth Medium-term Strategy (1996-2001), in particular those linked with the creation of an observatory for human rights. Educational activities were also crucial for UNESCO's efforts aimed at raising public awareness on international terrorism.

V. PUBLICATION OF A COMPENDIUM OF NATIONAL LAWS AND REGULATIONS REGARDING THE PREVENTION AND SUPPRESSION OF INTERNATIONAL TERRORISM IN ALL ITS FORMS AND MANIFESTATIONS

74. The Secretary-General has received national laws and regulations regarding the prevention and suppression of international terrorism from the following Governments: Armenia, Canada, Colombia, Ecuador, Iceland, Japan, Maldives, Norway, Turkey and the United Kingdom. The texts thus transmitted are available for consultation in the Codification Division of the Office of Legal Affairs. The Secretariat will continue to request those States that have not yet done so to transmit information on their national laws and regulations.

75. These national laws and rules are a useful illustration for those Governments which intend to or are in the process of introducing counter-terrorism legislation. States should be urged to transmit relevant laws and regulations to the Secretariat if they have not done so.

76. The publication of a compendium containing the laws and regulations received from Governments would be possible within existing resources if use is made of the Legislative Series, a series which usually publishes materials only in English or French and for which the printing costs are currently budgeted. The Secretariat is currently exploring the possibility of publishing in that Series laws and regulations submitted by Governments in one of the official languages of the Organization. Alternatively, Governments could be invited to provide a summary, either in English or French, of such laws and regulations to be included in the Legislative Series, it being understood that the full texts of such laws and regulations would be available for consultation in the files of the Codification Division of the Office of Legal Affairs. The use of the Legislative Series for the publication of the compilation rests, of course, on the assumption, that the funds budgeted for the publication of the Legislative Series would not significantly be affected by recent financial reductions of the Organization. If this were not to be the case, the possibility of an outside publisher would have to be explored.

Notes

1/ League of Nations document C.546(I).M.383(I).1937.V.

2/ See, e.g., the proposal submitted to the Sixth Committee in 1972, "United States Working paper transmitting text of draft convention for the prevention and punishment of certain acts of international terrorism" (A/C.6/L.850). This topic was considered by the Sixth Committee and although it was not possible at that time to take action on the draft convention, the General Assembly by resolution 3034 (XXVII) of 18 December 1972 decided to

establish an Ad Hoc Committee on International Terrorism to examine the question in all its aspects.

3/ For the text of reservations, declarations or communications accompanying the signatures, ratifications and accessions to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and to the International Convention against the Taking of Hostages, see Multilateral Treaties Deposited with the Secretary-General (ST/LEG/SER.E/14). The data for the remaining conventions have been provided by the respective depositaries as of July 1996. The texts of reservations, etc., relating to the other conventions are available for consultation, as transmitted by the respective depositaries, at the Codification Division of the Office of Legal Affairs.

4/ While all conventions recognize the principle of territoriality as a basis for primary jurisdiction, they vary as to the degree of recognition of other bases for primary jurisdiction (e.g. nationality, place where the act is committed, landing status or status of registration of the aircraft).

5/ United Nations, Treaty Series, vol. 704, No. 10106.

6/ Ibid., vol. 860, No. 12325.

7/ Ibid., vol. 974, No. 14118.

8/ ICAO document, DOC 9518, reprinted in International Legal Materials (hereinafter ILM), vol. 27, p. 627.

9/ On 7 October 1985, the Achille Lauro, an Italian flag cruise ship, was seized while sailing from Alexandria to Port Said. The hijackers, members of the Palestine Liberation Front (PLF), had boarded the ship at Genoa posing as tourists. They held the ship's crew and passengers hostage and threatened to kill the passengers unless Israel released 50 Palestinian prisoners. Finally the hijackers were captured as a result of United States military action in forcing an Egyptian civilian airliner to land at an Italian airbase. For further information see Keesing's Contemporary Archives, vol. XXXI, No. 11 (1985).

10/ ILM, vol. 27, p. 672.

11/ Ibid., p. 685.

12/ United Nations, Treaty Series, vol. 1035, p. 167.

13/ ILM, vol. XVIII, p. 1419.

14/ United Nations document S/22393, annex I; ILM, vol. XXX, No. 3, May 1991.

15/ United Nations, Treaty Series, vol. 1005, No. 14723.

16/ United States Treaties and Other International Agreements, vol. 27, p. 3951.

17/ United Nations, Treaty Series, vol. 1137, p. 93.

18/ An English translation of the Act on Extradition and Other Assistance in Criminal Matters transmitted by the Government of Iceland is available for consultation in the Codification Division of the Office of Legal Affairs.

19/ The texts transmitted by the Government of the United Kingdom are available for consultation in the Codification Division of the Office of Legal Affairs.

ANNEX

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